

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

LATOYA BROWN; LAWRENCE  
BLACKMON; HERBERT ANTHONY  
GREEN; KHADAFY MANNING;  
QUINNETTA MANNING; MARVIN  
MCFIELD; NICHOLAS SINGLETON;  
STEVEN SMITH; BESSIE THOMAS; and  
BETTY JEAN WILLIAMS TUCKER,  
individually and on behalf of a class of all  
others similarly situated,

Plaintiffs,

v.

MADISON COUNTY, MISSISSIPPI;  
SHERIFF RANDALL S. TUCKER, in his  
official capacity; and MADISON COUNTY  
SHERIFF'S DEPUTIES JOHN DOES #1  
through #6, in their individual capacities,

Defendants.

Civil Action No.  
3:17-cv-00347-WHB-LRA

**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO STRIKE  
PLAINTIFF BETTY JEAN WILLIAMS TUCKER'S DEPOSITION ERRATA SHEET**

Plaintiffs respectfully file this Response to Defendants' Motion to Strike Plaintiff Betty Jean Williams Tucker's Deposition Errata Sheet (ECF No. 198, the "Motion"), and state:

1. Plaintiffs oppose the Motion and provide that Plaintiff Betty Jean Williams Tucker's Reasons for Changes on Errata Sheet, filed as Exhibit A to this Response, cures any defect with her deposition errata sheet by providing adequate explanations for her corrections of (i) her husband's first name from the incorrectly transcribed "Alva" to "Albert"; and (ii) one line of deposition testimony from "Probably so" to "I do not remember" to accurately reflect her lack of recollection of the timing of the referenced incident.

2. Allowing Ms. Tucker's Reasons for Changes on Errata Sheet to be considered is the appropriate and reasonable outcome given that Ms. Tucker completely filled out the deposition errata sheet provided by eDeposition Services, the court reporting service chosen by Defendants for Ms. Tucker's deposition, and such errata sheet provided no place for reasons or explanations to be provided for changes made by the deponent.

3. Defendants also failed to meet and confer with Plaintiffs prior to filing the Motion in violation of Local Rule 37(a) and Paragraph 6(F)(4) of the Case Management Order (ECF No. 30), and thus the Motion should be denied. Had Defendants complied with the meet and confer requirement, this minor dispute may have been resolved without the need to consume valuable judicial resources.

4. Defendants further did not file the discovery Motion "sufficiently in advance of the discovery deadline to allow response to the motion, ruling by the court and time to effectuate the court's order before the discovery deadline," in violation of Local Rule 7(b)(2)(C). Defendants were provided with Ms. Tucker's errata sheet on January 23, 2018. *See* Defs.' Ex. B, ECF No. 198-2. Yet, despite having three weeks to review Ms. Tucker's deposition errata sheet prior to the February 16, 2018 deadline for the completion of class certification-related fact discovery (Order, ECF No. 169), Defendants only filed the Motion one week after this deadline on February 23, 2018. ECF No. 198. Thus, the Motion is untimely and should be denied on this basis as well.

5. Plaintiffs have separately filed a Memorandum of Law in response to the Motion and incorporate that Memorandum herein as if set forth in full.

WHEREFORE, for the reasons set forth herein and in Plaintiffs' Memorandum of Law, Defendants' Motion should be denied.

Respectfully submitted this 9th day of March, 2018.

By: /s/ Joshua Tom  
Joshua Tom

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 9, 2018, I caused the foregoing **RESPONSE TO DEFENDANTS' MOTION TO STRIKE PLAINTIFF BETTY JEAN WILLIAMS TUCKER'S DEPOSITION ERRATA SHEET** to be electronically filed with the Clerk of the Court using the CM/ECF system, through which copies have been served to:

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